#### ANGUS COUNCIL

# DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 9 JUNE 2021 LITTLE KENNY, LINTRATHEN, KIRRIEMUIR

#### REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

#### ABSTRACT:

The Committee is asked to consider an application for a review seeking the removal of Conditions 1a, 1b, 2a and 2b of planning permission ref 20/00767/FULL – erection of portal framed agricultural storage shed and associated ground level changes (retrospective) at Little Kenny, Lintrathen, Kirriemuir.

#### 1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (Appendix 1);
- (ii) review the case submitted by the Applicant (Appendix 2);
- (iii) consider the further lodged representations (Appendix 3); and
- (iv) consider the applicant's response to the further representations (Appendix 4).

### 2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

#### 3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

#### 4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

#### 5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

#### 6. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Report Author: Sarah Forsyth E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Submission by Planning Authority Appendix 2 – Submission by Applicant

Appendix 3 – Further Lodged Representations

Appendix 4 – Applicant Response to Further Representations

# ANGUS COUNCIL'S SUMISSION ON APPEAL AGAINST CONDITIONS 1A, 1B, 2A AND 2B IMPOSED

#### **APPLICATION NUMBER – 20/00767/FULL**

#### **APPLICANT- MR ANDREW G SIMPSON**

# PROPOSAL & ADDRESS – ERECTION OF PORTAL FRAMED AGRICULTURAL STORAGE SHED AND ASSOCIATED GROUND LEVEL CHANGES (RETROSPECTIVE) AT LITTLE KENNY LINTRATHEN KIRRIEMUIR

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#### **Angus Council**

Application Number:	20/00767/FULL
Description of Development:	Erection of Portal Framed Agricultural Storage Shed & Associated Ground Level Changes (Retrospective)
Site Address:	Little Kenny Lintrathen Kirriemuir DD8 5JD
Grid Ref:	330260 : 754022
Applicant Name:	Mr Andrew G Simpson

#### **Report of Handling**

#### **Proposal**

The application seeks retrospective permission for the erection of a 1,200sqm (approx.) open plan agricultural shed with a 'T' shaped footprint. The general purpose agricultural storage building has a pitched roof with two smaller 'lean to' sections and a maximum height of roughly 9.25m. The building predominantly has open sides but is finished with areas of larch cladding and a natural grey fibre cement sheet roof. SUDS provision is in place to deal with surface water drainage and ground level changes have been carried out around the building.

The application has not been subject of variation.

#### **Publicity**

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

#### **Planning History**

None.

#### **Applicant's Case**

No supporting information was received.

#### **Consultations**

**Community Council** - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Offers no objection to the proposal.

**Scottish Water** - There was no response from this consultee at the time of report preparation.

**Aberdeenshire Council Archaeology Service -** Offers no objection to the proposal and advises no archaeological mitigation is required.

**Angus Council Environmental Health** - Offers no objection to the proposal subject to conditions to limit noise levels, ensure noise and odour management plans are in place at the site and that lighting details are provided.

#### Representations

One (1) letter of representation was submitted in objection to the proposal. The main concerns raised relate to impacts upon residential amenity in terms of noise and light pollution, impacts upon the condition of the existing access track and lack of notification received in relation to the application or permission for the works undertaken.

#### **Development Plan Policies**

#### **Angus Local Development Plan 2016**

Policy DS1: Development Boundaries and Priorities

Policy DS3: Design Quality and Placemaking

Policy DS4: Amenity

Policy PV6: Development in the Landscape Policy PV8: Built and Cultural Heritage Policy PV15: Drainage Infrastructure Policy PV20: Soils and Geodiversity

#### TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

#### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALDP.

The application relates to the erection of an agricultural building on non-prime quality agricultural land (Grade 3.2) in the countryside on a site that is not allocated or safeguarded for any particular use in the ALDP.

Policy PV20 deals with soils and geodiversity and notes that the design and layout of proposals should minimise agricultural land required for development and should not render any farm unit unviable. The development provides a general purpose agriculture store adjacent to an existing complex of farm buildings. The development relates to a small area of land in the context of the wider land holding and does not result in the loss of a significant area of farm land. The building is ancillary to the existing use at the site and would not conflict with Policy PV20.

In terms of design and landscape impacts, the building is of an acceptable scale in comparison with existing structures surrounding the site and for an agricultural building of this nature. The building does not appear obtrusive in the skyline or landscape and is viewed in the context of the existing farm complex. The design of the building is utilitarian and functional and is not incongruent in this setting. The finish materials are acceptable and the storage building does not detract from the pattern of development. The ground level changes undertaken are not significant. The development would generally comply with Angus Councils Farm Buildings Advice Note.

Policy DS4 deals with amenity and indicates that regard will be had to opportunities for maintaining and improving environmental quality. The building is located over 70m from the nearest dwelling and would be no closer to this property than existing farm buildings located at the wider complex. The environmental health service has reviewed the proposal and offers no objection subject to conditions to limit noise levels,

ensure noise and odour management plans are in place at the site and requiring provision and approval of any external lighting. The development would not unacceptably increase any existing amenity impacts on surrounding residential properties, subject to condition. In considering parking and access, an existing access would be utilised and parking would be available within the farm court. The Roads Service has reviewed the proposal and offered no objection to the development. There are no issues in relation to the remaining criteria of Policy DS4.

Policy PV8 of the development plan aims to protect and enhance areas designated for their built and cultural heritage value. The site lies adjacent to an area of archaeological interest. The council's archaeology service has reviewed the application and offers no objection. The development would not give rise to unacceptable impacts on the built heritage

Policy PV15 relates to drainage infrastructure and states that all new developments (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage. The application form and submitted drawings indicted that SUDS provision is made for surface water to discharge to the south of the building and no connection to the public water supply is required.

In relation to material considerations, a third party representation has been submitted to the proposal. In terms of notification of the application, the application was subject to statutory neighbour notification as prescribed by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Planning legislation allows for the submission of applications in retrospect and they are assessed in the same way as other applications. In regards to the impacts of the development upon the shared access road, this is an existing track which serves an existing farm complex and its associated activity. Repair and maintenance of the track is a civil matter. There is no reason to consider that the proposal would give rise to unusual or unacceptable amenity impacts, subject to the stated conditions and the concerns identified by objector have been taken into account but there are no material considerations that justify refusal of planning application.

In conclusion, the application provides for a farm building, adjacent to an existing farm complex and is broadly compatible with development plan policy subject to the attached planning conditions. There are no material considerations that justify refusal of the application.

No legal agreement is required.

#### **Human Rights Implications**

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

#### Decision

The application is approved subject to conditions

#### Reason(s) for Decision:

1. The proposal is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. There are no material planning considerations that justify refusal of planning permission contrary to the provisions of the development plan.

#### **Conditions:**

- 1. Within two months of the date of this permission the following shall be submitted for the written approval of the Planning Authority;
- a. a noise and odour management plan. Thereafter the development shall be operated in accordance with the approved plan.
- b. details of all existing or proposed external lighting to be fixed to the building or erected within the site area. Thereafter only the approved lighting shall be used within the site.

#### Reason:

In order to mitigate impacts associated with noise, odour and external lighting in the interests of the residential amenity of neighbouring property.

- 2. Noise from activities undertaken within the site and associated with the approved use shall not:
- a. give rise to a noise level assessed with windows open within any dwelling or noise sensitive building, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.
- b. exceed 50 dBLAeq (1hour) as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

#### Reason

In order to mitigate impacts associated with noise in the interests of the residential amenity of neighbouring property.

#### Notes:

Case Officer: Stephanie Porter Date: 1 March 2021

#### **Appendix 1 - Development Plan Policies**

#### **Angus Local Development Plan 2016**

Policy DS1: Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate

for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

#### Policy DS3: Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to

prevent unacceptable risks to human health.

#### Policy PV6: Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

#### Policy PV8: Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### **National Sites**

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (http://scotland.gov.uk/Resource/0040/00409361.pdf)

Policy PV20: Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

#### **ANGUS COUNCIL**

#### PLACE PLANNING

#### **CONSULTATION SHEET**

	PLANNING APPLI	CATION NO	20/00767/FULL
	Tick boxes as app	<u>oropriate</u>	
ROADS	No Objection	<b>✓</b>	
	Interest	(Com	ments to follow within 14
	Date 27	11 20	

PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX** 

 From:
 Claire Herbert

 To:
 PLNProcessing

 Cc:
 PorterSG

**Subject:** Planning consultation 20/00767/FULL - Archaeology response

**Date:** 07 December 2020 12:31:30

Attachments: <u>image007.ipq</u>

image008.jpg image009.jpg

Planning Reference: 20/00767/FULL Case Officer Name: Stephanie Porter

**Proposal:** Erection of Portal Framed Agricultural Storage Shed

Site Address: Little Kenny Lintrathen Kirriemuir

Site Post Code: DD8 5JD Grid Reference: NO 30265402

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

Should you have any comments or queries regarding the above, please do not hesitate to contact me

Kind regards, Claire

#### Claire Herbert MA(Hons) MA MCIfA

#### **Archaeologist**

Archaeology Service, Planning and Environment Service, Infrastructure Services Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

T: 01467 537717

E: Claire.herbert@aberdeenshire.gov.uk

W: https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology

W: https://online.aberdeenshire.gov.uk/smrpub

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

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@AbshireArch\_CH

Aberdeenshire Council Archaeology Service

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

 From:
 GrahamIH

 To:
 PorterSG

 Cc:
 ThomsonSD

Subject: 20/00767/FULL Erection of Portal Framed Agricultural Storage Shed Little Kenny Lintrathen Kirriemuir DD8

5JD

**Date:** 15 January 2021 14:23:38

#### Steph

I refer to the above application which seeks retrospective permission for an agricultural building currently used as a straw store. As discussed I am generally comfortable with the principle of an agricultural storage building at this location however it would appear that its primary purpose is to support the large livestock building immediately to the east which does not appear to benefit from planning permission either. I am also aware that the occupier of the residential property to the north has objected to the application on amenity grounds although the noise and light impacts referred to appear to relate to other buildings within the farm. Whilst I understand that the current application must be determined in isolation I remain concerned at the adjacent unauthorised use and also the possibility of the current application building being repurposed in the future to accommodate activities more conflicting with the residential property to the north. I would therefore suggest that the most effective means of safeguarding a satisfactory level of residential amenity at the property to the north would be to require odour and management plans to be submitted and approved within any consent granted in respect of the current application. Whilst the odour controls necessary would be minimal in respect of the current use, any approved plan would be required to make provision for their sufficiency to be reviewed and amended on receipt of a substantiated complaint or a change in the activities undertaken within the application building. I would also request a condition requiring a scheme of the external lighting to be submitted and approved. It is likely that this Service would adopt a similar approach in respect of any future application involving the adjacent livestock building.

#### Suggested conditions

- Within two months of the date of this permission, noise management and odour management plans shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be operated in accordance with the approved plans.
- Within two months of the date of this permission details of all external lighting to be used in association with the building hereby approved shall be submitted to and approved in writing by the planning authority. Thereafter only the approved lighting shall be used.

I trust you find the above acceptable but please do not hesitate to contact me if you wish to discuss anything further.

Regards

lain

**lain Graham | Environmental Health Officer |** Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN | **☎**01307 492026

 From:
 GrahamIH

 To:
 PorterSG

 Cc:
 ThomsonSD

Subject: FW: 20/00767/FULL Erection of Portal Framed Agricultural Storage Shed Little Kenny Lintrathen Kirriemuir

DD8 5JD

**Date:** 10 February 2021 12:24:59

#### Steph

Following comments received from a third party in respect of the current use of the application building and our conversation this morning I would ask that the following condition be attached to any consent issued in addition to those already proposed below.

That noise from activities associated with the building hereby approved shall not:

- a. give rise to a noise level assessed with windows open within any dwelling or noise sensitive building, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.
- b. exceed 50 dBLAeq (1hour) as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Regards

lain

**lain Graham | Environmental Health Officer |** Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN | **☎**01307 492026

From: GrahamIH

Sent: 15 January 2021 14:24

**To:** PorterSG <PorterSG@angus.gov.uk> **Cc:** ThomsonSD <ThomsonSD@angus.gov.uk>

Subject: 20/00767/FULL Erection of Portal Framed Agricultural Storage Shed Little Kenny

Lintrathen Kirriemuir DD8 5JD

#### Steph

I refer to the above application which seeks retrospective permission for an agricultural building currently used as a straw store. As discussed I am generally comfortable with the principle of an agricultural storage building at this location however it would appear that its primary purpose is to support the large livestock building immediately to the east which does not appear to benefit from planning permission either. I am also aware that the occupier of the residential property to the north has objected to the application on amenity grounds although the noise and light impacts referred to appear to relate to other buildings within the farm. Whilst I understand that the current application must be determined in isolation I remain concerned at the adjacent unauthorised use and also the possibility of the current application building being repurposed in the future to accommodate activities more conflicting with the residential property to the north.

I would therefore suggest that the most effective means of safeguarding a satisfactory level of residential amenity at the property to the north would be to require odour and management plans to be submitted and approved within any consent granted in respect of the current application. Whilst the odour controls necessary would be minimal in respect of the current use, any approved plan would be required to make provision for their sufficiency to be reviewed and amended on receipt of a substantiated complaint or a change in the activities undertaken within the application building. I would also request a condition requiring a scheme of the external lighting to be submitted and approved. It is likely that this Service would adopt a similar approach in respect of any future application involving the adjacent livestock building.

#### Suggested conditions

-

- Within two months of the date of this permission, noise management and odour management plans shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be operated in accordance with the approved plans.
- Within two months of the date of this permission details of all external lighting to be used in association with the building hereby approved shall be submitted to and approved in writing by the planning authority. Thereafter only the approved lighting shall be used.

I trust you find the above acceptable but please do not hesitate to contact me if you wish to discuss anything further.

Regards

lain

lain Graham | Environmental Health Officer | Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN | ☎01307 492026

### **Comments for Planning Application 20/00767/FULL**

#### **Application Summary**

Application Number: 20/00767/FULL

Address: Little Kenny Lintrathen Kirriemuir DD8 5JD

Proposal: Erection of Portal Framed Agricultural Storage Shed

Case Officer: Stephanie Porter

#### **Customer Details**

Name: Mr Thomas Wells

Address: Charlies cottage, Little Kenny, Lintrathen Kirriemuir Dd8 5jd

#### **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

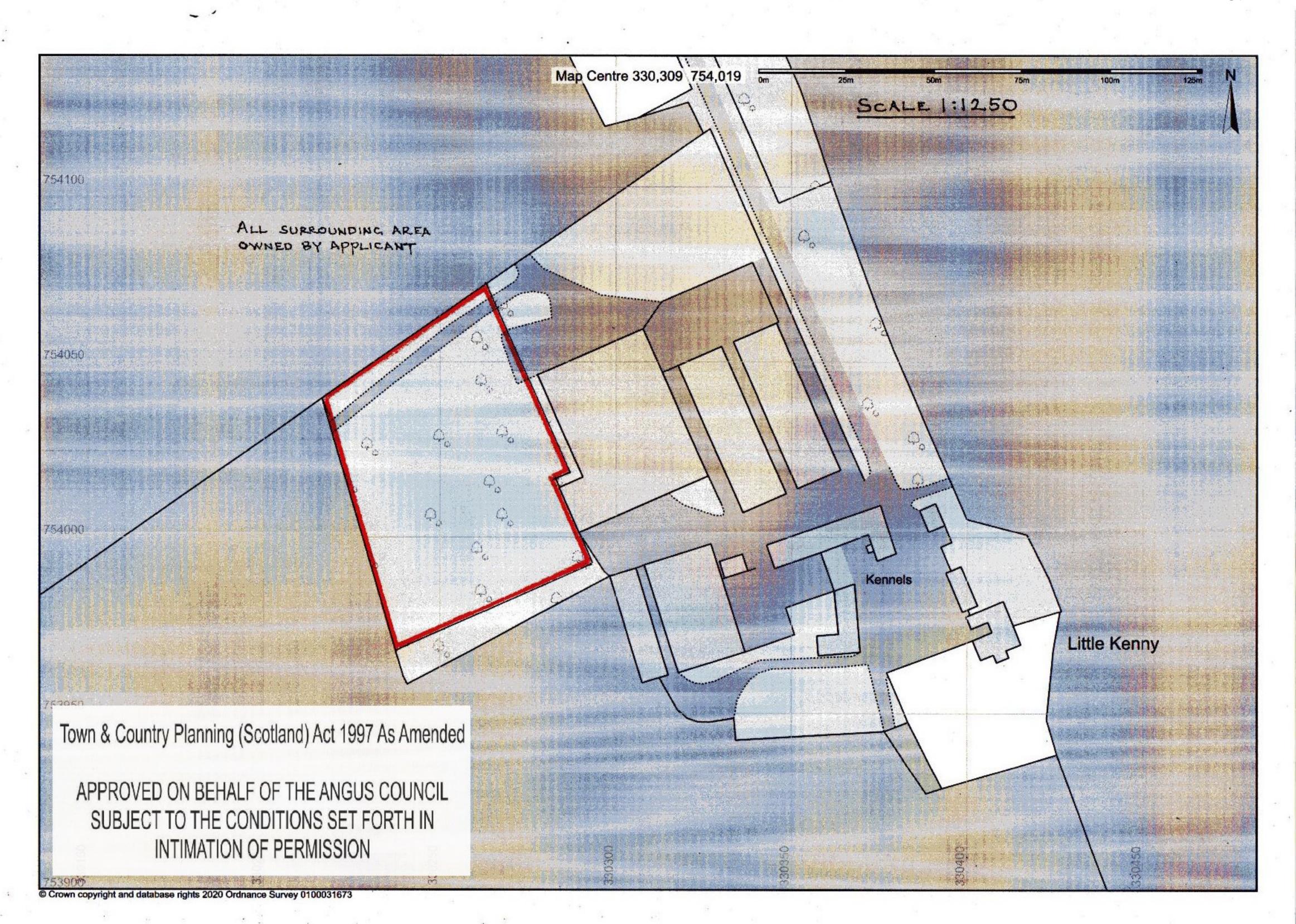
Comment Reasons:

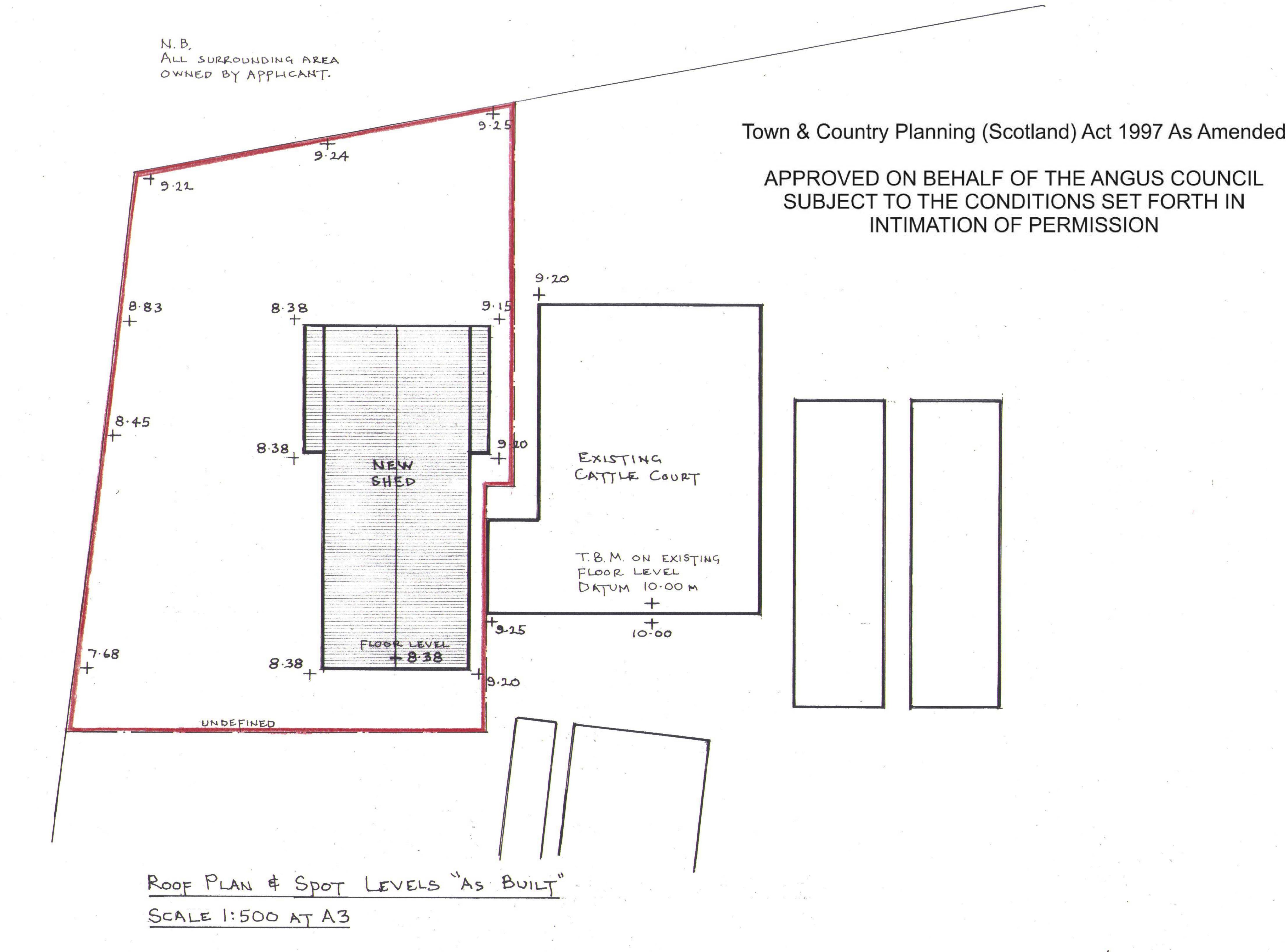
Comment:I believe this building will pose a negative impact on my interests at charlies cottage, noise and light pollution are already a problem associated with this and should already be logged with angus council, these were dismmised due to no restrictions on the building, however the building in question also has no planning permission so there will be no restrictions.

My property has a shared access with little kenny which is in a poor state of repair and the increase in traffic will cause the road to deteriorate further, this needs to be addresed.

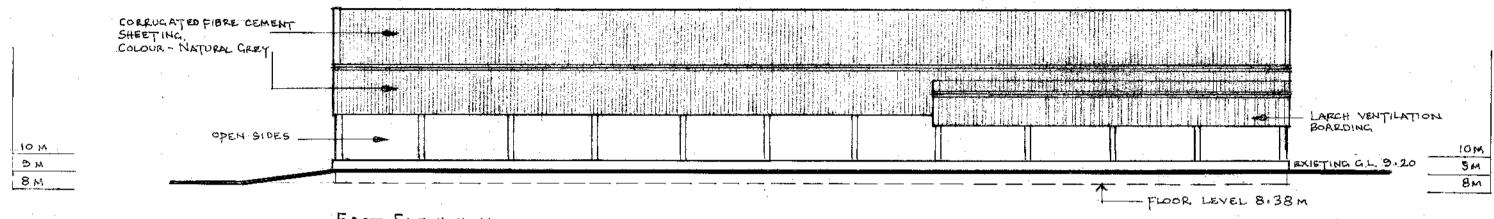
This shed has been built with zero permission as has the shed adjacent to it, hence the lack of restrictions applied.

My property is the closest property to this new building and will be the most impacted upon unlike shooters cottage which is owned by the same person applying for retrospective planning permission, however I have received no notification from Angus council.

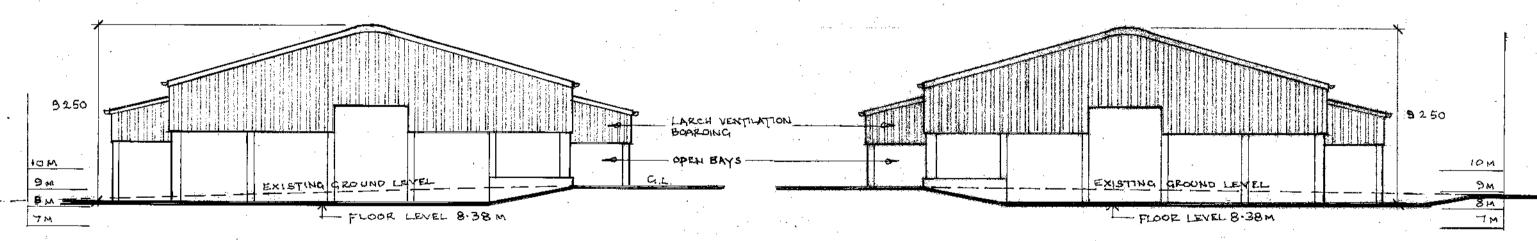




# APPROVED ON BEHALF OF THE ANGUS COUNCIL SUBJECT TO THE CONDITIONS SET FORTH IN INTIMATION OF PERMISSION

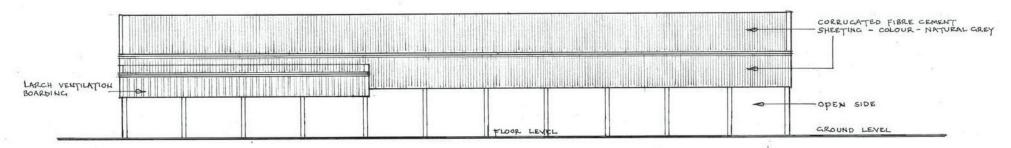


EAST ELEVATION



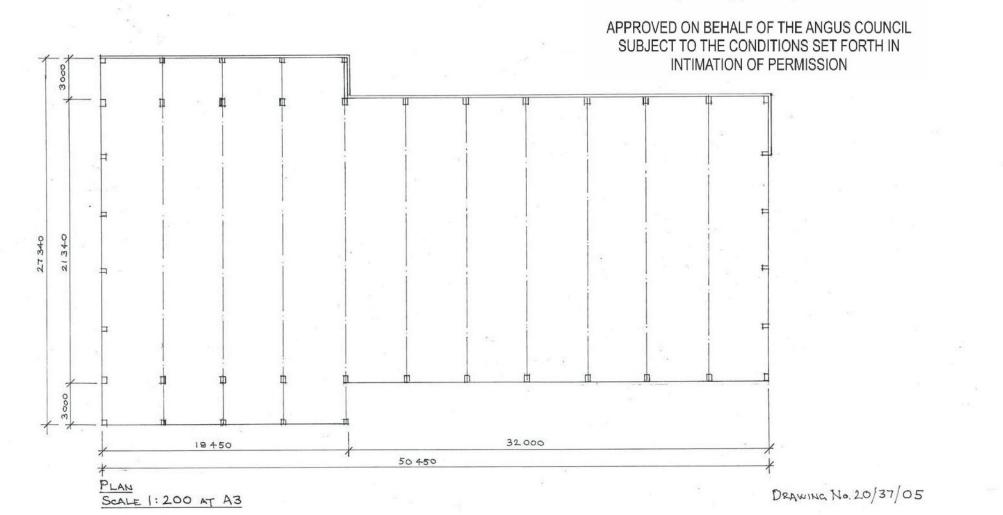
SCALE 1:200 AT A3

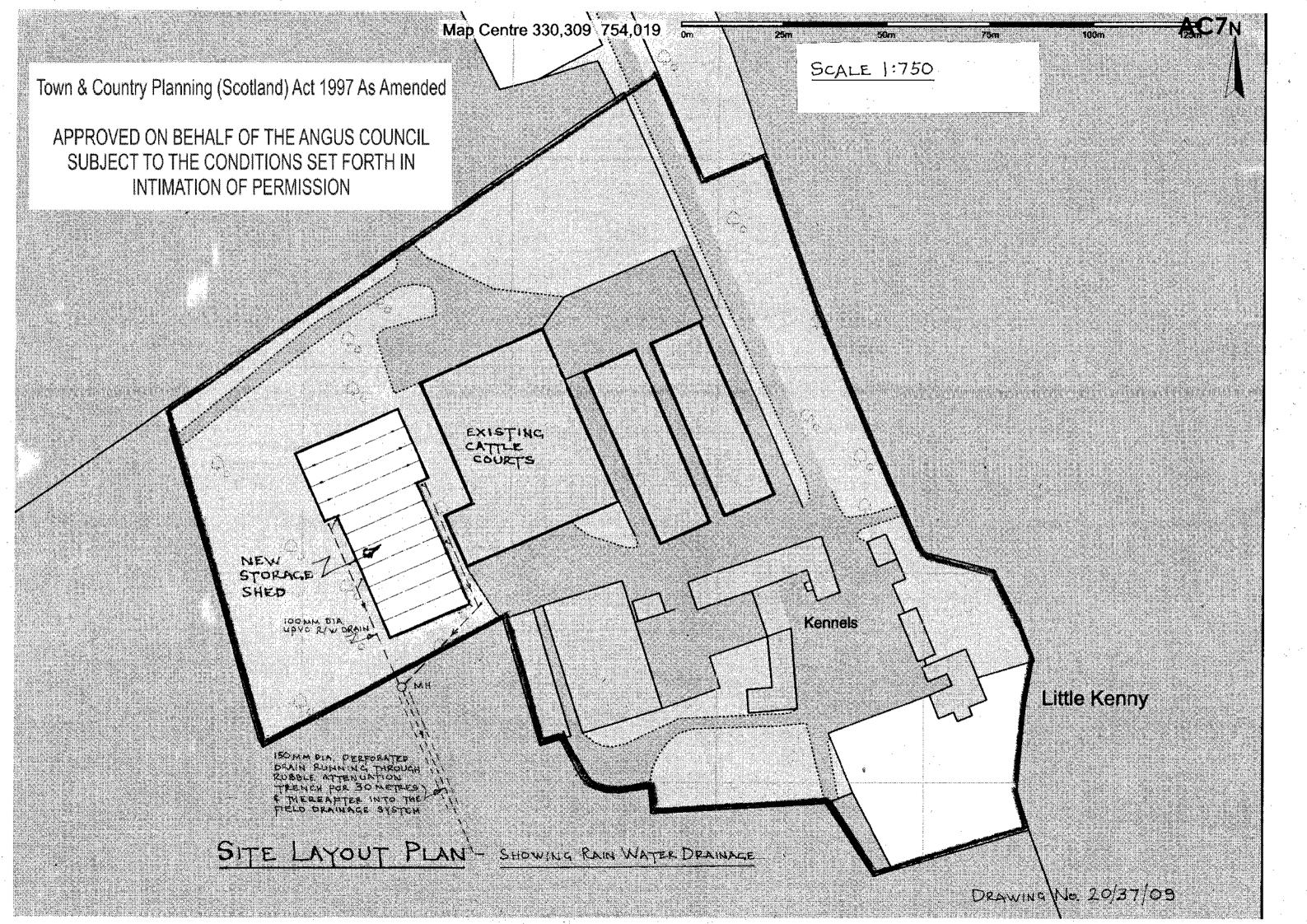
NORTH ELEVATION



WEST ELEVATION

Town & Country Planning (Scotland) Act 1997 As Amended





























#### **ANGUS COUNCIL**

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013



Comhairle Aonghais

PLANNING PERMISSION - CONDITIONAL APPROVAL REFERENCE : 20/00767/FULL

To: Mr Andrew G Simpson
c/o James R Brown Building Design
5 St Mary`s Drive
Perth
PH2 7BY

With reference to your application dated **20 November 2020** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Erection of Portal Framed Agricultural Storage Shed & Associated Ground Level Changes (Retrospective) at Little Kenny Lintrathen Kirriemuir DD8 5JD for Mr Andrew G Simpson

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as approved on the Public Access portal.

#### The permission is subject to the following conditions, namely:-

- 1. Within two months of the date of this permission the following shall be submitted for the written approval of the Planning Authority;
- a. A noise and odour management plan. Thereafter the development shall be operated in accordance with the approved plan.
- b. Details of all existing or proposed external lighting to be fixed to the building or erected within the site area. Thereafter only the approved lighting shall be used within the site.
- 2. Noise from activities undertaken within the site and associated with the approved use shall not:
- a. Give rise to a noise level assessed with windows open within any dwelling or noise sensitive building, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.
- b. Exceed 50 dBLAeq (1hour) as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

#### The foregoing conditions are imposed by the Council for the following reasons:-

- 1. In order to mitigate impacts associated with noise, odour and external lighting in the interests of the residential amenity of neighbouring property.
- 2. In order to mitigate impacts associated with noise in the interests of the residential amenity of neighbouring property.

#### The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to conditions. There are no material planning considerations that justify refusal of planning permission contrary to the provisions of the development plan.

#### Dated this 4 March 2021

Kate Cowey
Service Leader
Planning & Communities
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

The decision was based on the following amendment(s):-

#### **Amendments:**

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



# WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

#### Planning Decisions – Guidance Note

#### Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

#### **DURATION**

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

#### **PLANNING DECISIONS**

#### **Decision Types and Appeal/Review Routes**

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers)  - See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers)  - See details on attached Form 1

NOTICES AC9

#### Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

#### Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

#### Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council Planning Service Angus House Orchardbank Business Park Forfar DD8 1AN

Telephone 01307 492076 / 472533 E-mail: planning@angus.gov.uk Website: www.angus.gov.uk



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997(AS AMENDED)

## The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided by Angus Council

- 1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <a href="https://eplanning.scotland.gov.uk">https://eplanning.scotland.gov.uk</a>
- 2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

## The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided through Angus Council's Scheme of Delegation

- If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and e-planning guidance can be found on the national site https://eplanning.scotland.gov.uk . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

#### NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference 20/00767/FULL for Erection of Portal Framed Agricultural Storage Shed & Associated Ground Level Changes (Retrospective) at Little Kenny Lintrathen Kirriemuir DD8 5JD for Mr Andrew G Simpson dated 4 March 2021 and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:
Address:
Do you own the land subject to the above permission?
If not, please provide the full name and address of the land owner:
Is there a person appointed to oversee the development? If so, please provide their full name and contact details:
Date you intend to commence the above development:

#### NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference 20/00767/FULL for Erection of Portal Framed Agricultural Storage Shed & Associated Ground Level Changes (Retrospective) at Little Kenny Lintrathen Kirriemuir DD8 5JD for Mr Andrew G Simpson dated 4 March 2021 and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:	
Address:	
Date of completion of the above development:	

# THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

#### **SCHEDULE 7**

Development at Little Kenny Lintrathen Kirriemuir DD8 5JD

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Andrew G Simpson** on **4 March 2021**.

Application reference 20/00767/FULL

The development comprises Erection of Portal Framed Agricultural Storage Shed & Associated Ground Level Changes (Retrospective)

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council Planning Service Angus House Orchardbank Business Park Forfar DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

### **PLANNING**

#### Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the	he advice and he	elp I needed to submit r	ny application/r	epresentation:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.2 The Council I	kept me informed	about the progress of	the application t	hat I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.3 The Council of	dealt promptly wi	th my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.4 The Council of	dealt helpfully wit	h my queries:-			
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.5 I understand	the reasons for th	ne decision made on th	e application the	at I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.6 I feel that I w	as treated fairly a	and that my view point	was listened to:-		
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
OVERALL SATISFACTION	N: Over	all satisfaction with the	service:		
_	-			d taking everything into	
Very satisfied	Fairly satisfie	d Neither Satisfie Dissatisfie		rly Dissatisfied Ve	ery Dissatisfied
			<b>-</b>		
OUTCOME: OU	tcome of the app	olication:			
Q.8 Was the app	lication that you t	nad an interest in:-			
Granted Permission/	Consent	Refused Permis	sion/Consent	Withdr	awn
Q.9 Were you the:-	· Applican	t Agent		Third Party objector who	

#### **APPENDIX 2**

# DEVELOPMENT MANAGEMENT REVIEW COMMITTEE APPLICATION FOR REVIEW – LITTLE KENNY, LINTRATHEN

# RELATING TO CONDITIONS IMPOSED ON PLANNING PERMISSION REF 20/00767/FULL

#### **APPLICANT'S SUBMISSION**

Page No

ITEM 1	Notice of Review
ITEM 2	Supporting Statement
ITEM 3	Area Plan
ITEM 4	Block Plan
ITEM 5	Site Layout Plan
ITEM 6	Plan and Elevation



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE

Agent Details

100394407-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### **Applicant or Agent Details**

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant 
Applicant

Agent Betails			
Please enter Agent details	S		
Company/Organisation:	James R Brown Building Design		
Ref. Number:		You must enter a B	uilding Name or Number, or both: *
First Name: *	James R	Building Name:	
Last Name: *	Brown	Building Number:	5
Telephone Number: *	01738635641	Address 1 (Street): *	St Mary`s Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	PERTH
Fax Number:		Country: *	United Kingdom
		Postcode: *	DG8 6NH
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
Individual □ Organisation/Corporate entity			

Applicant Details			
Please enter Applicant	details		
Title:	Mr	You must enter a Bu	ilding Name or Number, or both: *
Other Title:		Building Name:	Little Kenny
First Name: *	Andrew G	Building Number:	
Last Name: *	Simpson	Address 1 (Street): *	Lintrathen
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kirriemuir
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	DD8 5JD
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	Angus Council		
Full postal address of th	ne site (including postcode where available	):	
Address 1:	LITTLE KENNY		
Address 2:	LINTRATHEN		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	KIRRIEMUIR		
Post Code:	DD8 5JD		
Please identify/describe the location of the site or sites			
Northing	753973	Easting	330410

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Notice of Review is in respect to request the removal Conditions 1a, 1b, 2a, and 2b which have been applied to the Planning Approval for the Erection of Portal Framed Agricultural Shed (Retrospective) at Little Kenny, Lintrathen, Kirriemuir DD8 5JD
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).  Application for planning permission in principle.  Further application.  Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
See attached supporting statement.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			
Area Location Plan 2. Location Plan 3. Site Layout Plan 4. Plan and Elevations of the approved shed.			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	20/00767/FULL		
What date was the application submitted to the planning authority? *	20/11/2020		
What date was the decision issued by the planning authority? *	04/03/2021		
Review Procedure			
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.			
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *  Yes X No			
Please indicate what procedure (or combination of procedures) you think is most appropriate select more than one option if you wish the review to be a combination of procedures.	e for the handling of your	review. You may	
Please select a further procedure *			
By means of inspection of the land to which the review relates			
Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)			
The applicant considers it essential that the Review Panel to fully aquaint themselves with and the distances between the properties.	the layout of the farm a	nd access road	
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	pinion:	
Can the site be clearly seen from a road or public land? *			
Is it possible for the site to be accessed safely and without barriers to entry? *		Yes 🛛 No	
If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)			
The site is a working farm with dangerous machinery. Access should be via appointment t	hrough the applicant`s a	gent.	

Checklist - App	lication for Notice of Review		
Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.			
Have you provided the name	and address of the applicant?. *	X Yes No	
Have you provided the date a review? *	nd reference number of the application which is the subject of this	X Yes □ No	
, , , , ,	behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	Yes □ No □ N/A	
, ,	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X Yes □ No	
Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.			
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	X Yes □ No	
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.			
Declare - Notice of Review			
I/We the applicant/agent certify that this is an application for review on the grounds stated.			
Declaration Name:	Mr James R Brown		
Declaration Date:	14/04/2021		

# Notice of Review for Removal of Conditions from Planning Approval for Shed at Little Kenny - 20/00767/FULL

### **Supporting Statement**

The Applicant contends that these Conditions are unreasonable, excessive and onerous to apply to a busy working farm.

The farm is a mix of arable and beef cattle and needs to operate day and night and must clearly generate a certain amount of noise and light. The applicant does not agree that there is any excessive odour - and considers that all of these things are completely within the normal parameters of a working farm.

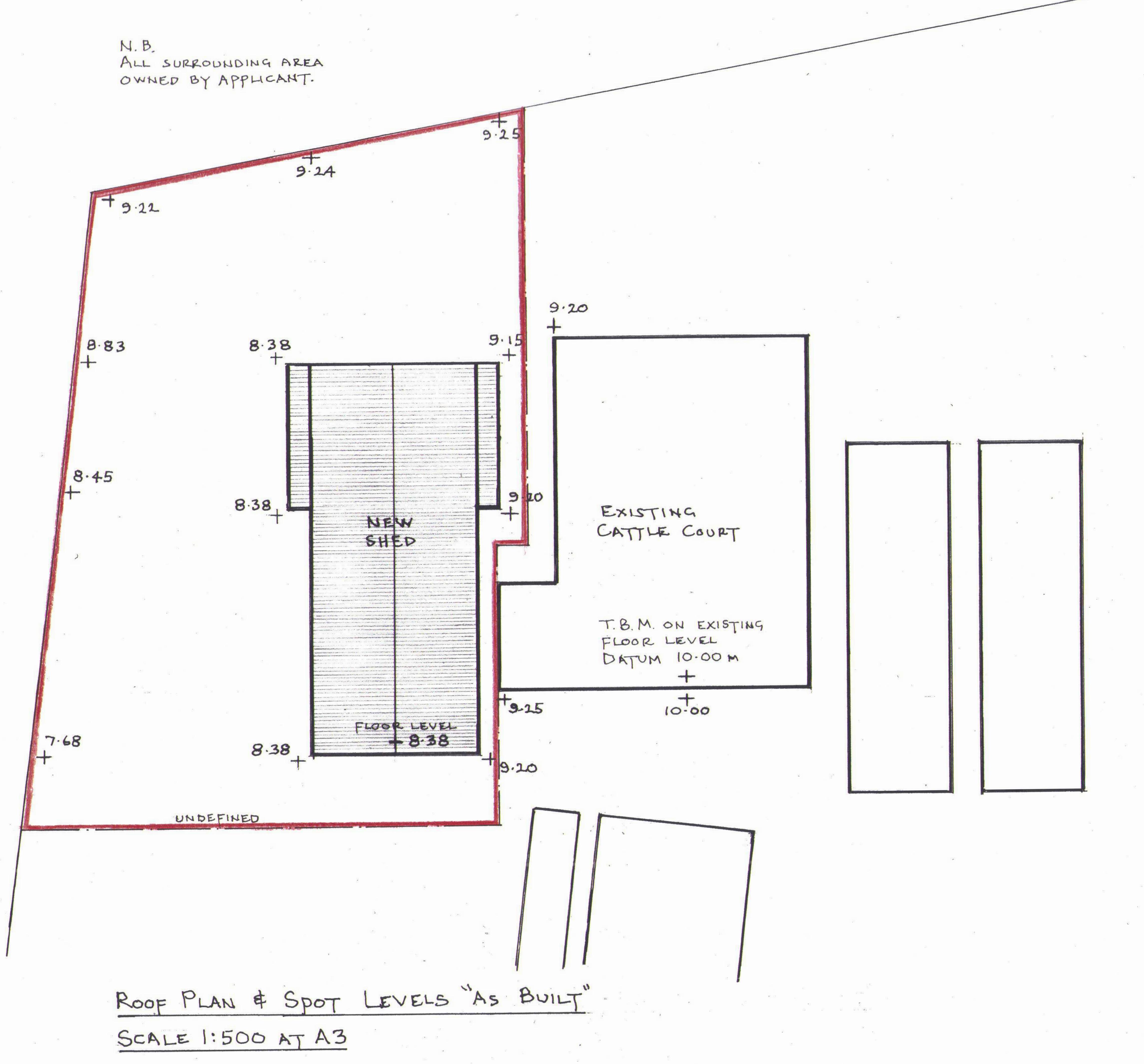
These Conditions are so extreme that they would usually only be applied to an industrial factory in the middle of a residential area.

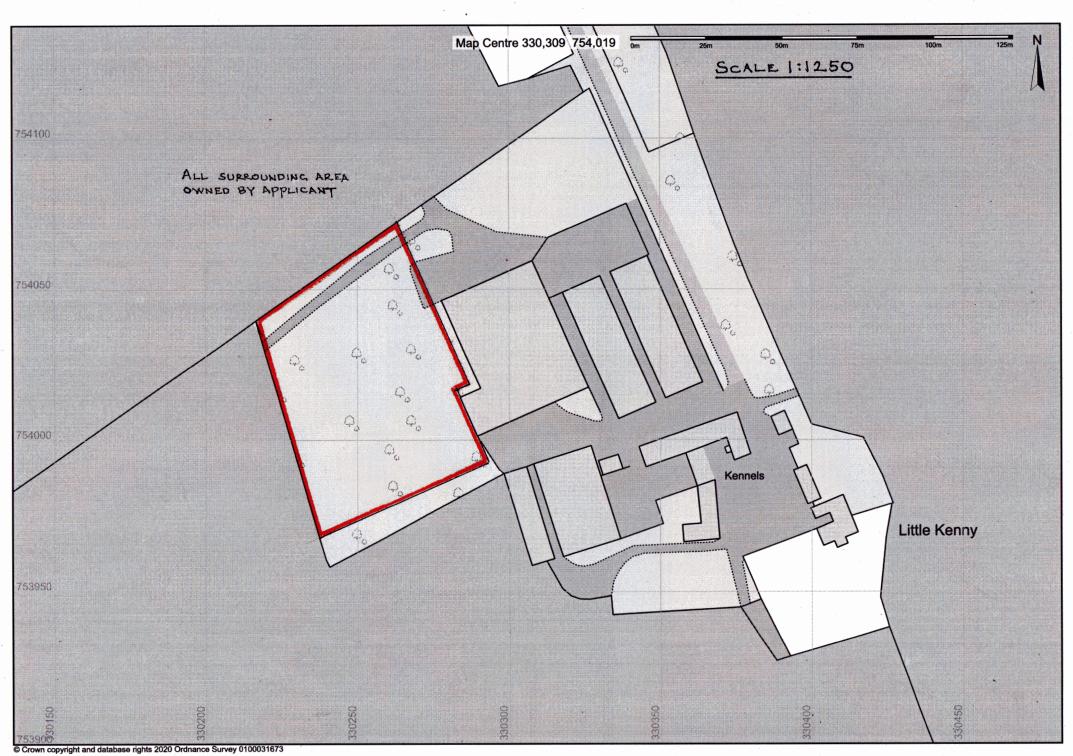
These Conditions appear to have been applied because of complaints from one sole neighbour who seems to have been able to exert an undue influence on the Council Planning Department.

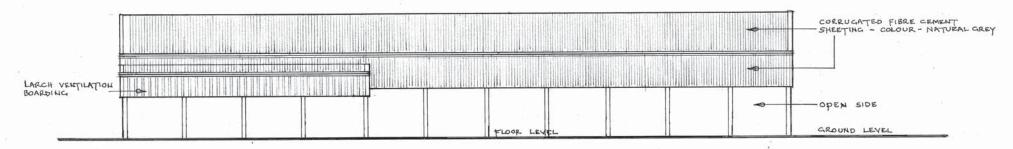
It should be pointed out that the farm has been on this site for nearly 200 years, and the neighbour who has registered the complaints knew it was a farm when he moved into the cottage (which is 150 metres away) approximately five years ago.

The applicant would also like it to be known that the neighbour seems to have an unreasonable, vexatious grievance with the farm and is continually causing harassment to the running of the farm business - to such an extent that he has been reported to the Police. (He has also been reported to the Police for trespassing in the applicant's nearby Greenmyres Farm)

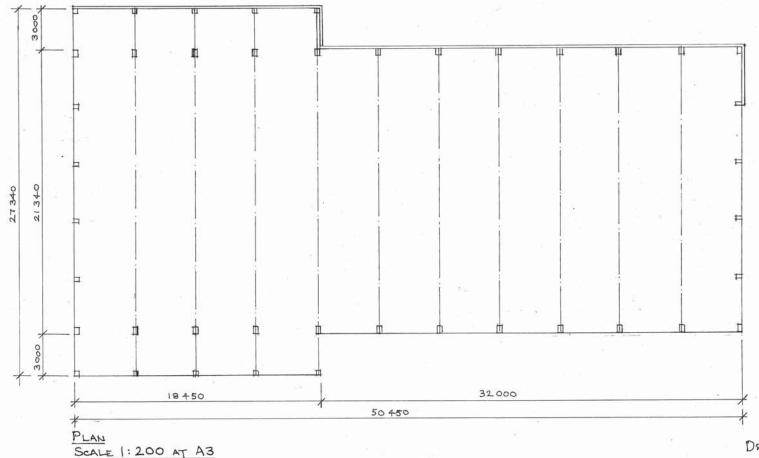
We trust that this information will be taken into consideration by the Review Panel.







WEST ELEVATION



DRAWING No. 20/37/05

## **APPENDIX 3**

## **FURTHER LODGED REPRESENTATIONS**

From:

To:

Sarah Forsyth

**Subject:** RE: Application for Review - Little Kenny Lintrathen Kirriemuir

**Date:** 02 May 2021 14:20:08

Dear Sarah,

Apologies for the late reply to your email, it had gone to my junk folder and I'm just picking it up now.

For the last five years, my wife and myself have had ongoing problems with nuisance noise and lighting from the unauthorised developments at Little Kenny.

We have tried to deal with these problems directly with both the farm owner and his managers to no avail, and also through angus council.

Noise is a constant problem associated with the buildings none of which were constructed when we purchased our property.

We are both country people and realise a certain amount of noise is unavoidable on farms, however we have noise from tractors and machinery left running 20 metres from our house most of the day 7 days a week, which we find very inconsiderate, especially at the weekends. This noise resonates through our entire house so we have no respite from it. The farm make no attempt to minimise disruption to us by having the tractors and machinery running somewhere else on the site, even if they were on the far side of the development area it would perhaps buffer the noise enough not to disturb us.

The restrictions placed on the developments were a slight glimmer of hope for us after five years of noise to hopefully have a little peace and respite from said noise and possibly protect our amenity going forward, however we feel if these restrictions are now lifted the disruption will purposely become more unbearable due to their unpleasant attitude since our objection to their developments.

Kind regards Thom and Nikki

Sent from my Xperia by Sony smartphone

---- ForsythSL wrote ----

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Application for Review – Appeal Relating to the Removal of Conditions 1a, 1b, 2a and 2b of Planning Permission Ref 20/00767/FULL at Little Kenny Lintrathen Kirriemuir – Mr Andrew G Simpson

DMRC-7-21

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities and is seeking removal of Conditions 1a, 1b, 2a and 2b relative to Planning Permission Ref 20/00767/FULL. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.** 

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

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### **APPENDIX 4**

# APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS

# Application for Review for Removal of Conditions from Planning Approval for Shed at Little Kenny - 20/00767/FULL

### Response to Representation from Mr T. Wells

Dear Ms Forsyth,

We thank you for your email dated 10<sup>th</sup> May containing the representation from Mr T. Wells. Having consulted my Client I can now reply as follows.

Firstly - we note that Mr Wells refers only to the noise from the farm in this representation and does not mention any light or other issues.

Needless to say my client and the Farm Manager disagree with the representation on every single point.

We would absolutely dispute the statement that tractors and machinery are left running only 20 metres away from his house for most of the day seven days a week.

It would be completely uneconomic and unsustainable for tractors and machinery to be left running for this length of time.

The machinery is only run for the shortest time possible and even then they are nowhere near 20 metres from his house. Also - they normally operate at the far side (South side) of the farm buildings which is 150 metres away from his property boundary (see attached plan) - or 170 metres away from his house.

The Farm Manager of Little Kenny actually contacted Mr Ian Graham, the Environmental Health Officer in Angus Council to ask if he wanted to come to the farm with his sound equipment to check on the noise levels, but Mr Graham did not think it was necessary. We find it hard to understand how the noise "resonates through the entire house" as farm noise can barely be heard inside Little Kenny Farmhouse, which only has single glazed windows, whereas Mr Wells cottage has full double glazing which would be much better at blocking any noise.

It is strange that Mr Wells has only objected to the latest shed which is the furthest away from his property.

He raised no issues in respect to the nearest shed to his property which was granted Planning Permission several years ago - and which had none of these Conditions/restriction placed on that approval.

We feel we must also mention that Mr Wells has been verbally abusive to the farm staff and has even threatened violence. This was recorded by the Police and they were sufficiently concerned about his behaviour that they have apparently removed his guns and firearms licence.

Mr Wells is also believed to suffer from tinnitus which may increase his sensitivity to noise.

Mr Wells was once employed on the farm and it is possible that he may have retained a grudge against the farm.

Whatever the reason - he now seems to be going out of his way to upset the farm staff and disrupt the running of the farm.

During the time Mr Wells has lived in his cottage the current owner/applicant and his staff have turned this run-down, derelict arable farm into a successful fully functioning mixed enterprise which provides work and homes for people in the local community.

The cattle need to be looked after and fed and watered day and night, 365 days of the year and proper lighting and facilities and equipment have to be provided for the welfare and health and safety of the farm staff.

It seems as though Mr Wells has been able to exert some undue influence over the Planning Department to have these excessively strict and onerous Conditions applied to this normal working farm.

We trust that this information will be taken into consideration by the Review Panel.

